

wherein the material has a melting temperature such that the material does not melt during the later connection to the pipe member.

64. (Previously Presented) A plate heat exchanger comprising:  
heat exchanger plates arranged beside one another and connected together by one or more braze connections, wherein the heat exchanger plates comprise stainless steel containing chromium;

one or more port channels through at least some of the heat exchanger plates; and  
one or more connection surfaces for a subsequent brazing of one or more of the port channels to one or more respective pipe members,

wherein the connection surface comprise a nickel-based material that is adapted such that it will not melt when the one or more port channels are subsequently brazed to the one or more respective pipe members.

65. (Previously Presented) The plate heat exchanger of claim 64 wherein the material is diffused into the stainless steel.

66. (Previously Presented) The plate heat exchanger according to claim 31 wherein the later connecting comprises a brazing process.

#### REMARKS

This is in response to the final Office action that was mailed on February 17, 2011.

Claims 31, 34, 36-49, 52 and 54-66 are pending.

In the interest of furthering prosecution, claims 31, 49 and 61 are being amended to remove, without prejudice, the word "about." The applicant requests that these amendments be admitted pursuant to 37 C.F.R. §1.116(b)(1), which indicates that "[a]fter a final rejection . . . [a]n amendment presenting rejected claims in better form for consideration on appeal may be

admitted.” The amendments to claims 31, 49 and 61 present these rejected claims in better form for appeal because, by deleting the word “about,” the amendments render the rejections under 35 U.S.C. §112, second paragraph, in the final office action moot.

In this regard, the applicant and the undersigned attorney thank the examiner for her cooperation during a telephone interview with the undersigned attorney on May 16, 2011, during which the examiner agreed that the current amendments to claims 31, 49 and 61 would be admitted.

The applicant intends to file a Notice of Appeal and a Pre-Appeal Brief Request for Review directed to the claim rejections under 35 U.S.C. §103(a) in the final office action.

#### EXAMINER INTERVIEW SUMMARY

During the above-referenced interview, the undersigned attorney asked the examiner to reconsider the rejections of the independent claims and dependent claims 37, 38, 40, 54, 55, 59 and 60. The Examiner maintained her view that none of the pending claims is patentable. The undersigned attorney also asked the examiner if there were any amendments that she thought would help overcome the pending rejections. The examiner offered no suggestions in this regard. The undersigned attorney also emphasized that the examiner's reliance on a large number of references, particularly in rejecting some of the dependent claims, should weigh against obviousness.

A petition for a one-month extension of time is enclosed. The required petition fee in the amount of \$130 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any additional charges or credits to Deposit Account No. 06-1050, referencing Docket No. 09546-0027US1.

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Respectfully submitted,

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